

Exhibit 16

Investigative Activity Report of Jeff Hess

United States Environmental Protection Agency

Criminal Investigation Division
Investigative Activity Report

Case Number:

0202-0172

Case Title:

Former IBM/TechCity - A2 Environmental Solutions

Reporting Office:

Syracuse, NY, Resident Office

Subject of Report:

2018-07-05_Interview of Jeffrey Hess - Former A2ES

Activity Date:

July 5, 2018

Reporting Official and Date:

Daniel Lau
Special Agent

06-AUG-2018, Signed by: Daniel Lau

Approving Official and Date:

Tyler C. Amon

Special Agent in Charge

07-AUG-2018, Approved by: Renee A. Stewart

Assistant Special Agent in Charge

SYNOPSIS

On July 5, 2018, the reporting Agent and NYSDEC Police Lt. Desotelle interviewed Jeffrey Hess, former Asbestos Handler for A2ES, regarding his knowledge and involvement concerning the asbestos abatement and demolition project at the FIBM-TC facility located in Kingston, NY.

DETAILS

On July 5, 2018, US EPA-CID Special Agent Daniel Lau and NYS Department of Environmental Conservation (NYSDEC) Police Lt. Nicholas Desotelle (hereinafter "Investigators") interviewed Jeffrey Hess (Hess), former Asbestos Handler/Supervisor for A2 Environmental Solutions, LLC (A2ES), regarding his knowledge and involvement concerning the asbestos abatement and demolition project at the former IBM - TechCity facility located at 300 Enterprise Drive, Kingston, NY (hereinafter "FIBM-TC").

Earlier this day, the Investigators conducted a visit to Hess' residence in Newburgh, NY. While in the neighborhood, a white pickup truck pulled into the street corner nearby the residence with two individual males in the passenger cab. The driver identified himself as Mike (LNU) and explained that he was a friend who lived with Hess. Mike indicated that Hess was currently at work. Mike then contacted Hess via telephone and provided the Investigators with Hess' cellphone number.

The Investigators called Hess who then agreed to voluntarily meet and speak with the Investigators later that evening. Arrangements were made to meet at his residence in Newburgh, NY. The interview took place on the street directly outside of Hess' residence.

The Investigators identified themselves and described the nature of their inquiries. Hess then provided the following information.

Hess currently works for asbestos company, Mid Valley Contractors in New Windsor, NY. Prior to working in the asbestos industry, he worked in general construction including demolition and the building of decks; he had no knowledge or training relating to asbestos/asbestos containing materials (ACM). Hess noted that he and his brother, Roger Hess (Roger), was offered an asbestos job with A2ES by Owner Stephanie Laskin (Laskin). Laskin also offered to pay for their asbestos certification training classes. They were both subsequently certified as Asbestos Workers and Asbestos Supervisors.

Hess worked for A2ES for approximately six (6) months from on or about November 2015 - April 2016. Hess primarily worked at the FIBM-TC site spending approximately 75% of his time at this job site. The other 25% was spent at various smaller jobs in Newburgh, NY, at the Newburgh Land Bank properties. Hess indicated while working for A2ES, he also worked with Walter Merrill (Merrill), and a Dennis Pratt (Pratt). Hess mentioned that Merrill was now his relative through marriage, and Pratt had only worked for A2ES for one (1) week.

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While at A2ES, specifically at the FIBM-TC job site, Hess primarily recalled working with his brother Roger, Merrill, Madeline Alonge (Alonge), Ronald Defreese [spelling?], and a Josiahs (LNU). Hess claimed that most of the time, Alonge was the designated Asbestos Supervisor on site. Hess believed that Josiahs might have dated Alonge's mother. Hess also recalled that Laskin also hired some asbestos workers from Albany, NY, but did not know their names. From his recollection, most of the workers wore the proper personal protective equipment (PPE) while in containment.

Hess stated that he left A2ES and found employment at his current asbestos employer. Hess noted that Laskin/A2ES ran her asbestos jobs poorly especially now understanding and having more experience in the asbestos industry. Hess stated that working for Mid Valley Contractors has been great with no issues or problems. Hess indicated that Laskin owed him some back wages. He found out later that he and other former A2ES workers were supposed to get prevailing wages, but gave up on chasing after the money Laskin owed to him. He also heard that Laskin owed a lot of other former A2ES workers money.

Hess claimed that while at A2ES, including at the FIBM-TC job site, he never conducted any dry removal of ACM. Hess further claimed that during that time, he did not observe any other A2ES worker conducting dry removal. Hess stated that Laskin tried to get him/them to conduct dry removal but claimed that they pushed back. Hess did hear about other A2ES workers getting caught doing dry removal. Specifically, approximately one month before he left A2ES, Merrill and his crew was caught conducting dry removal at the FIBM-TC site.

Hess stated that he was at times a fill-in Asbestos Supervisor on certain days and claimed that he never got any violations from the NYS Department of Labor - Asbestos Control Bureau (NYSDOL-ACB) while he was on duty as such. Hess added that NYSDOL-ACB Inspector Jason Pensabene (Insp. Pensabene) would show up at times unannounced at the FIBM-TC site. He believed Insp. Pensabene was a fair and good Inspector.

Hess said that while at A2ES, Laskin paid them via cash and check. Pay days were on either Friday or Saturday, and most of the time Laskin was present at the job site to hand out their pay.

Hess stated that prior to leaving A2ES, he communicated with Laskin and told her that he had a better job opportunity elsewhere. Hess said that around the same time, his brother Roger also left A2ES. Laskin got really upset.

Hess indicated after they left, he heard A2ES hired a bunch of asbestos workers from Albany, NY, to work at the FIBM-TC site. Hess was also aware of a "night crew" that worked at the job site that would go around demolishing everything during the evening/after hours. Hess stated that he and his crew would sometimes show up on site the next day and saw dry ACM at the site which they had to clean up. Hess added that this would be at the FIBM-TC and the other Newburgh Land Bank job sites. Hess however claimed that he did not know who was part of the "night crew." Hess added that Laskin also admitted to him that there were night crews at both the FIBM-TC and Newburgh Land Bank job sites.

Hess reiterated that he/they (his brother - Roger) never conducted any dry removal of ACM. Both he and his brother also always wore their PPE while in containment. Hess said that at times, he would notice Alonge not wearing the proper PPE (i.e. masks).

Hess stated that in the beginning, Laskin was on the job sites, including FIBM-TC, most of the time. But as time went on she would show up less and less. Hess explained that they/A2ES would abate a building at FIBM-TC in full, and then Laskin's brother, Jeff Laskin, would then come with his demolition crew to

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demo the building.

Hess stated that Laskin always wanted to get the asbestos abatement done quickly. Hess recalled Laskin stating, "I don't care if you dry remove," just get it done or you get fired. Hess also noted that Laskin offered them monetary bonuses to work extra hours/stay late at the job but would then not pay those bonuses to the workers. Hess recalled working briefly as an Asbestos Supervisor at an A2ES job in Ellenville, NY (currently known as the former Hydro Aluminum Facility). Hess stated they worked at this site for two (2) days removing siding. Hess claimed that Laskin offered them a \$1,500 bonus to get it done by the next day which they accomplished but never got paid the bonus.

Hess recalled Alonge's sister, Chelsea Alonge, was the air/project monitor on site. Hess said there was also a Kris Landell, who was the boss, a Steve Martinez, and a Walter Hogan who spent all of his time in his car taking naps and smoking weed. Hess recalled that the air monitor would not be able to get negative air at the FIBM-TC site since the areas were too large. Hess claimed that the location was sealed properly but it was difficult to get negative air.

Hess stated that when he first started at FIBM-TC, none of the buildings were demolished yet. Hess said when he left in or around April 2016, at least one building had already been demolished which left a large dust cloud in the area.

The Investigators asked Hess if he recalled any other names from A2ES. Hess stated that there was a Sam (LNU - possibly "Stubbs"), a Stephanie Guzman (who he is still in contact with), and a Robert Ramos who was a military guy.

Hess claimed that everything was okay when the job started at FIBM-TC and things were done correctly however a few months into the job, Laskin started to lose money. Hess recalled wetting all of the ACM pipe wrap using a hose. They would also use glove bags with a Hudson sprayer. Hess claimed that the only issue he recalled was seeing dust clouds at the site in another work area which he informed Asbestos Supervisor Alonge about. Hess believed that Alonge addressed the issue but had no further details on the matter.

Hess recalled problems with their water hoses freezing during the cold winter months and at times the fire hydrant would also freeze. Hess claimed that workers would stop coming into work if it was too cold because the hoses would freeze. According to Hess, Laskin then purchased heated hoses.

At the end of the interview, Hess stated that he was willing to further cooperate with Investigators now or in the future. Hess added that he was also willing to testify in court if needed in the future.

During the arrangements for the above noted meeting, text message correspondence was conducted between Hess and the Investigators. A copy of the text is attached to this report.

ATTACHMENT

Text Message Communication with J Hess 070518

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